

1882-004 Chancery Causes: Isaac Leedy vs. Rufus Leedy &  
Lee Co.

Carroll, Clifton, Elliott, Leedy

CA - Estate Dispute  
T - Property



In the circuit Court of Lee County,  
Lee County to wit:

To the Honorable John A. Kelly  
Judge of the circuit Court for the said  
County, in chancery.

Your Orator Isaac  
Leady, humbly complaining, sheweth  
unto your honor, that your Orator's  
father Joel Leady was in his lifetime  
seized and possessed in fee simple  
of a large and valuable tract of land  
containing about 350. acres lying in  
Lee County Virginia and situated on  
the main Turnpike road leading from  
Jouesville to Cumberland Gap, near  $2\frac{1}{2}$   
miles west of Jouesville and adjoining  
the lands of David Martin, James  
Bolin and others, and being so thereof,  
seized and possessed, sometime in  
the year 1882 departed this life intestate,  
leaving your Orator and <sup>Reverend Leady</sup> Mendamu Canoll  
Almuda Leady, John Clifton and Isabella  
his wife (formerly Isabella Leady) Alfred  
Leady, Joseph Leady, Mollie Leady, C. C.  
Elliott and Selina his wife (formerly Selina  
Leady) Samuel Leady, Robert L. Leady  
Martha L. Leady, Rosetta A. Leady his  
heirs at Law, and Elmira his widow



That the said Robert L. Leady, Martha L. Leady and Rosetta A. Leady are infants of tender years, under the age of twenty one years.

And your orator further states that the said real estate is susceptible of partition amongst those entitled in proportion to their respective rights and interests therein.

In tender consideration whereof, and in as much as your orator is remediless in the premises, save by the aid of a Court of equity where matters of this kind are alone and properly cognizable, your orator prays that Rufus Leady, Mendam<sup>us</sup> Carroll, Almida Leady, John Clefton and Isabella his wife, Alfred Leady, Joseph Leady, Mollie Leady, C. C. Elliott and Selina his wife, Samuel Leady, Robert L. Leady, Martha L. Leady, Rosetta A. Leady the heirs at law and Elmina the widow of your orator intestate, be made parties defendant to this bill, and required to answer the same on their oaths, according to their best knowledge, information and belief. That a Guardian ad. litem be assigned the infants,



defendants, to defend their interests  
in this suit. That the said real estate  
be partitioned among the parties  
aforementioned entitled thereto, and  
your Orator prays allowed him, that  
proper process may issue, and  
that such further, other and general  
relief may be afforded your Orator  
as the nature of the case requires  
or as to equity shall seem meet.

And your Orator will ever pray &c.

Richmond  
Jm Complainant.



Reckoning

Isaac Leady  
v. s. Bill for  
Partition  
Rufus Leady vs

1882 Aug Bill filed  
" Sep. Exec. & D. N.  
" Sept. D. N. Conf. &  
" set for hearing by J. P.  
1882 Aug. L. Decree & Cont. B  
" Nov. J. P. Conf.

Hyatt clerk	\$11.27
Gibson "	5.00
Sheriff -	5.00
G. A. J.	5.00
Attorney	15.00
Courts	25.50
J. P.	75
	<hr/>
	\$67.52



To the Hon. John A. Kelly Judge of  
the Circuit Court of Lee County Va  
The answer of Elvira A. Ludy to a  
bill in Chancery filed in this Honorable  
Court against this respondent and  
others by Isaac Ludy. Respondent  
admits that she is the widow of Joel  
Ludy and as such entitled to dower  
in the lands described in the bill  
and pleadings of this cause.

Respondent further states that she  
would have answered this bill sooner  
had it not been for the fact that she  
had no objections to a fair assignment  
of dower to her. But she has now to  
answer that the report of Partition  
between the heirs of her husband and  
assignment of dower to her does not  
give her such fair assignment of  
dower. When reference is had to quantity,  
quality, water, and ways.



Respondent states that it will be seen  
that said farm of 550 acres is divided  
into thirteen shares, and that each  
one of these thirteen occupants are  
given the right to a spring ~~and a~~  
way thereto on the dower assigned  
to your respondent.

Your respondent further represents  
that said spring is a very very weak  
one, so much so that it did not  
supply my husband's family in  
summer time - it has gone dry.

Your respondent says that out  
view of this consideration that she  
has not yet assigned her one third  
of said land, when quantity and  
quality <sup>and water</sup> is considered, but she  
would not object to the confirmation  
of said report were it not for  
and an account of the water  
right before stated.



Respondent asks that the Court may  
proof of and determine this matter  
as sumeth meet to equity.

Having now answered said bill as  
fully as she is advised that it is  
necessary for her to answer she prays  
to be here dismissed with her costs

Wm A. Dwyer for

Respondent,

Sworn to before this Nov. 30th 1882.

John R. Gibson Clerk



Elvira A. Ludy / Wm A. Orr  
as } Assum  
Isaac Ludy

Filed in open Court  
by leave thereof Nov 30  
1882. J. A. Hyatt  
Clerk



To the Hon. Jnd. A. Kelley, Judge of the  
Circuit Court of Lin County, Va  
The Answer of Robert L. Ludy,  
Martha S. Ludy and Rosetta A. Ludy,  
Defendants, by Wm. A. Orr their Guardian  
ad litem to a Bill in Chancery  
filed in said Court against their  
wards and others by Isaac  
Ludy. And for answer says That  
he knows of no defense proper  
for him to make for his said  
wards, and places their rights  
and interests in the hands of  
your Honor, Courts of  
Chancery being the peculiar  
Guardians of the rights  
and interests of Infants,  
and prays to be hence dismissed  
with his costs.

Wm. A. Orr

Guardian ad litem

Sworn to before me Sept. 3rd 1882.

J. H. Hyatt  
Clerk



Isaac Lindy

vs Jas. G. A. L.

Rufus Lindy et al

Filed Aug 2 1887

J. A. Hyatt  
Clerk



Isaac Leedy  
against

Plff

In Chancery

Reuben Leedy et al. Defts

This cause came on again this day to be further heard upon the papers & depositions read in the cause and the report of Eli Davis, G. O. Woodward & Jefferson Keff Commissioners, filed November 20th 1852, and exceptions filed to said report, by way of answer by Elmina & Leedy widow &c and was argued by Counsel. On consideration whereof, said exceptions are overruled, and said report & the plat accompanying the same, having been filed, the time required by law, and there being <sup>nothing</sup> ~~no~~ exceptions thereto, the same is confirmed. And it is adjudged, ordered and decreed that said Elmina Leedy widow of the deceased Joel Leedy, take and hold, during her natural life, as and for her <sup>the premises & homestead in said report</sup> dower in said estate, the lot assigned her in said report and plat, marked Damer and estimated to contain 76 acres; that each of the heirs of said Joel Leedy do take and hold in fee free from the claims of each other the lots assigned them respectively in said report & plat, that is, that Isaac Leedy take and hold as if assigned him by said Commissioners



that Almida Leedy take and hold in fee  
lot to 2. assigned her in said report & plat;  
that Samuel Leedy take and hold in fee lot to 3  
assigned him in said report & plat;  
that Selina Elliott, wife of W. B. Elliott, take  
and hold in fee lot to 4, assigned her and  
her said husband in said report & plat;  
that Joseph Leedy take and hold in fee lot to 5  
assigned him in said report & plat;  
that Rufus Leedy take and hold in fee lot to 6  
assigned him in said report & plat;  
that Robert Leedy take and hold in fee lot  
to 7, assigned him in said report & plat;  
that Martha F. Leedy take and hold in fee  
lot to 8, assigned her in said report & plat;  
that Rosetta A. Leedy take and hold in fee  
lot to 9, assigned her in said report & plat;  
that Mollie Leedy take and hold in fee, lot  
to 10, assigned her in said report & plat;  
that Alfred Leedy take and hold in fee, lot to  
11, assigned him in said report & plat;  
that Isabella Liffitt wife of John Liffitt take  
and hold in fee, lot to 12 assigned to her and



her said husband in said report & plat;  
And that Wendell Cornell take and hold  
in fee, lot 10 13 assigned to her in said report  
and plat and that each of said heirs take  
and hold the <sup>said</sup> lots assigned <sup>respectively</sup> ~~to~~ <sup>by</sup> said  
Commissioners in their said report & plat  
according to the notes & plans therein set  
forth. And pursuant to said report it is <sup>ordered & decreed</sup> ~~adjudged~~  
that each of said heirs shall have the  
right to come to the spring on the said dam  
and use water therefrom, provided they do no  
injury to anything on the said dam.

And it is further adjudged, <sup>ordered & decreed</sup> ~~adjudged~~  
that each of said heirs pay one thirtieth part  
of the costs of this suit, and execution may  
issue in favor of the plaintiff against any of  
said heirs for their equal part of said costs,  
and a lien shall exist on the share of each of  
said heirs, for their <sup>in equal part</sup> ~~share~~ of said costs.

And it is further ordered that the Clerk of this  
court deliver to the Clerk of the County Court of this  
County, the decree appointing said Commissioners, the  
said plat & report and this decree and that said Clerk  
of the said County Court, record the same in his book  
kept in his office for the recordation of deeds. And  
nothing further being necessary to be done in this cause  
the same is ordered to be stricken from the docket.



Have Leedy  
Dooree  
Hypis Leedy at 25.

Entered pages 244-5.  
J. A. Hyatt

Enter this record.  
J. A. K.

Page 25.



Isaac Leady

v.

Rufus Leady

Decree.

No 1.

This cause came on this day, to be heard upon The Bill, taken for confessed, as to the adult defendants, The answer of the infant defendant by Wm. A. Orr. Their Guardian ad litem, with replication thereto, and was argued by counsel. On consideration whereof, The Court doth order that Eli Davis, Jefferson Keff and David O. Woodard who are hereby appointed Commissioners for the purpose, after having been first duly sworn, do proceed to lay off and divide The real estate of which Joel Leady died seized and possessed, consisting of a tract of land in The County of Lee containing about 350 acres adjoining the lands of David Martin, James Robin and others. Giving to Elinora the widow of the said Joel one third part thereof in value, including the mansion house and appurtenances, having reference to quantity, quality, water and ways. For her dowry, and to hold for and during her natural



life. And that the residue thereof, be divided into ~~Thirteen~~ equal parts in value having reference to quantity, quality, water, woods and ways, and assign one of said parts to each of the children of the said Jore Leaty deceased, namely: to Isaac Leaty one ~~Thirteenth~~ part, to Rufus Leaty one ~~Thirteenth~~ part, to Mandana Carroll one ~~Thirteenth~~ part, to Almon Leaty one thirteenth part, to John Clifton and Isabella his wife one thirteenth part, to Alfred Leaty one thirteenth part, to Joseph Leaty one thirteenth part, to Mollie Leaty one thirteenth part, to C. C. Elliott and Selina his wife one thirteenth part, to Samuel Leaty one thirteenth part, to Robert L. Leaty one thirteenth part, to Martha L. Leaty one thirteenth part and to Rosetta A. Leaty one thirteenth part.

And the said Commissioners are required to report their action to a future term of this Court, and the Cause is continued.

Isaac Leaty

V. E. Dorrice

Rufus Leaty et al

Entered Reg 275.

J. H. Hyatt

Enter this

J. H. K.

Sept 6/82.



# Virginia

At a Circuit Court continued and held for Lee County at the Court House thereof on Wednesday September 6<sup>th</sup> 1882.

Isaac Leedy

Plff.

vs

Rufus Leedy et al. (Defendants)

# # # # On Consideration whereof the Court doth Order that Eli Davis, Jefferson Neff and David O. Woodward who are hereby appointed Commissioners for the purpose after having been <sup>first</sup> duly sworn, do proceed to lay off and divide the Real Estate of which Jacob Leedy died, seized and possessed consisting of a tract of Land in the County of Lee containing about 350 Acres, adjoining the lands of David Martin, James Bowlin, and others - Giving to Elvira the widow of the said Jacob, One third part thereof in value including the Mansion house and appurtenances having reference to quantity and quality waters and ways for her dowry and to hold for and during her natural life - And that the residue thereof be divided into Thirteen equal parts in value, having reference to quantity, quality, waters, Woods and ways, and assign one of said parts to each of the children of said Jacob Leedy deceased namely to Isaac Leedy  $\frac{1}{13}$  part to Rufus Leedy  $\frac{1}{13}$  part, to Mendana Carroll  $\frac{1}{13}$  part - to Almeda Leedy  $\frac{1}{13}$  part - to John Clifton & Isabella his wife  $\frac{1}{13}$  part - to Alfred Leedy  $\frac{1}{13}$  part. to Joseph Leedy  $\frac{1}{13}$  part - to Mallico Leedy  $\frac{1}{13}$  part.



To C. C. Elliott & Selina his wife 1/3 part  
to Samuel Leedy 1/3 part, to Robert L. Leedy  
1/3 part, to Martha L. Leedy 1/3 part and  
to Rosetta A. Leedy 1/3 part.

And the said Commissioners  
are required to report to a future term  
of this Court and the Cause is continued.

A Copy Test-

J. A. Hyatt  
Clerk

Read Leedy  
11/23 Copy of Deeds  
for record.  
Trufus Leedy

Handed to Robert  
Leedy, to give to  
the parties Sept 27<sup>th</sup> 1882  
J. A. Hyatt  
Clerk



# The Commonwealth of Virginia,

To the Sheriff of Lee County . . . Greeting:

We Command you to Summon

*Rufus Leedy, Merdiana Carroll formerly Leedy, Almesta Leedy, Isabella Clifton (formerly Leedy) and her husband John Clifton, Alfred Leedy, Joseph Leedy, Mollie Leedy, Selina Elliott (formerly Leedy) and her husband C. C. Elliott, Samuel Leedy, Robert L. Leedy, Martha L. Leedy, Rosetta A. Leedy & Elvira Leedy*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

*August* next, being rule day to answer a bill in Chancery, exhibited in our said Court against *them*

by

*Isaac Leedy*

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House

this *1<sup>st</sup>* day of *August* 188*2*, in the *10<sup>th</sup>* year of the Commonwealth.

*J. A. G. Hyatt* CLERK.

*A Copy Leste -*

*J. A. G. Hyatt* *clerk*



For  
John Clifton



Lohe returned.

# The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting:

We Command you to Summon

<sup>1</sup>Rufus Leedy, <sup>2</sup>Mendana Carroll (formerly Leedy), <sup>3</sup>~~Alonzo~~ Leedy, <sup>4</sup>Isabela Clifton (formerly Leedy) and her husband John Clifton, Alfred Leedy, <sup>7</sup>Joseph Leedy, <sup>5</sup>Mollie Leedy, <sup>6</sup>Selina Elliott (formerly Leedy) and her husband <sup>10</sup>C. C. Elliott, <sup>11</sup>Samuel Leedy, <sup>12</sup>Robert L. Leedy, <sup>13</sup>Martha L. Leedy, <sup>14</sup>Rosetta A. Leedy and <sup>15</sup>~~Charles~~ Leedy.

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

August next, being rule day to answer a bill in Chancery, exhibited in our said Court against them

by

Isaac Leedy

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House this 1<sup>st</sup> day of August 1882; in the 107 year of the Commonwealth.

J. A. G. Hyatt CLERK.

A Copy Lest-

J. A. G. Hyatt CLK



LR

Isaac Leedy  
vs Spain & Co

Rufus Leedy et al

---

To August Rules 1882

---

For

Isabella Clifton



# The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting:

We Command you to Summon

*Rufus Leedy, Mendana Carroll (formerly Leedy), Alexandra Leedy, Isabella Clifton (formerly Leedy) and her husband John Clifton, Alfred Leedy, Joseph Leedy, Mollie Leedy, Selina Elliott (formerly Leedy), C. C. Elliott, her husband, Samuel Leedy Robert L. Leedy Martha L. Leedy, Rosetta A. Leedy and Elvira Leedy*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

*August* next, being rule day to answer a bill in Chancery, exhibited in our said Court against *them*

by

*Isaac Leedy*

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House this *1<sup>st</sup>* day of *August* 1882, in the *10<sup>7</sup>* year of the Commonwealth.

*J. A. G. Hyatt* CLERK.

*A Copy Lesto*  
*J. A. G. Hyatt*  
*clerk*



For  
Alexandra Leedy



# The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting :

We Command you to Summon

<sup>1</sup> Rufus Leedy, <sup>2</sup> Merdiana Carroll (formerly Leedy) <sup>3</sup> ~~Alexandra~~ Leedy, <sup>4</sup> Isabella Clifton (formerly Leedy) and her husband <sup>5</sup> John Clifton, <sup>6</sup> Alfred Leedy, <sup>7</sup> Joseph Leedy, <sup>8</sup> Mollie Leedy, <sup>9</sup> Selina Elliott (formerly Leedy) & her husband <sup>10</sup> C. C. Elliott, <sup>11</sup> Samuel Leedy, <sup>12</sup> Robert L. Leedy, <sup>13</sup> Martha L. Leedy, <sup>14</sup> Rosetta A. Leedy & <sup>15</sup> ~~Eliza~~ Leedy.

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

August

next, being rule day to answer a bill in Chancery, exhibited in our said Court against

them

by

Isaac Leedy

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House this 1<sup>st</sup> day of August 1882 in the 107 year of the Commonwealth.

J. A. G. Hyatt CLERK.

A Copy Leste. —

J A G Hyatt clerk



For  
Rufus Leary



The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting:

We Command you to Summon

Rufus Leedy, Mendana Carroll (formerly Leedy) Almada Leedy, Isabella Clifton (formerly Leedy) & her husband John Clifton Alfred Leedy, Joseph Leedy, Mollie Leedy, Selina Elliott (formerly Leedy) & her husband C. C. Elliott, Samuel Leedy, Robert L. Leedy (Martha L. Leedy) Rusetto L. Leedy & Elving Leedy

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

~~August~~ next, being ~~the~~ day to answer a bill in Chancery, exhibited in our said Court against ~~them~~

by

Isaac Leedy

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House this ~~1st~~ day of ~~August~~ 188 ~~2~~ in the ~~107~~ year of the Commonwealth.

J. A. G. Hyatt CLERK.

A Copy Sent

J. A. G. Hyatt

clerk



The Commonwealth of Virginia

To the Sheriff of Lee County . . . Greeting:

For  
Samuel Leedy

To appear at the Clerk's office . . .  
being . . .

by

And have been there . . .  
in the . . .

CLERK



To be returned.

The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting:

We Command you to Summon

<sup>1</sup>Rufus Leedy, <sup>2</sup>Mendana Carroll (formerly Leedy) <sup>3</sup>Almeda Leedy, <sup>4</sup>Isabella Clifton (formerly Leedy) & her husband <sup>5</sup>John Clifton, <sup>6</sup>Alfred Leedy, <sup>7</sup>Joseph Leedy, <sup>8</sup>Mollie Leedy, <sup>9</sup>Selina Elliott (formerly Leedy) & her husband, <sup>10</sup>C. C. Elliott, <sup>11</sup>Samuel Leedy, <sup>12</sup>Robert L. Leedy, <sup>13</sup>Martha L. Leedy, <sup>14</sup>Rosetta A. Leedy and <sup>15</sup>Elvira Leedy.

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

August next, being rule day to answer a bill in Chancery, exhibited in our said Court against them

by

Isaac Leedy

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House this 1<sup>st</sup> day of August 1882, in the 10<sup>7</sup><sup>th</sup> year of the Commonwealth.

J. A. G. Hyatt CLERK.



We accept legal remission of the within cost

John Clifton  
Isabella Clifton  
Alameda Leedy  
Rufus Leedy  
Samuel Leedy  
by Isaac Leedy

(R)

Isaac Leedy  
vs Spain Chcy  
Rufus Leedy et al

To August Rules 1882

Executed by delivering  
Copies of the within to  
Mendana Carroll  
Alfred Leedy Joseph Leedy  
Mollie Leedy Selina Elliot  
and father by leaving same with her  
for her husband C C Elliott  
and explaining the same to him  
He not being at his usual place  
of abode  
Robert L. Leedy Martha L. Leedy  
Rosetta A. Leedy and  
Elvira Leedy

August 4<sup>th</sup> 1882

Thos S. Ely S. L. L.

John Clifton  
Isabella Clifton his wife  
formerly Isabella Leedy  
Alameda Leedy &  
Samuel Leedy are  
non residents of  
this state.

Thos S. Ely  
S. L. L.